

PROGRAM PERFORMANCE REPORT

U.S. INTERNATIONAL TRADE COMMISSION

FISCAL YEAR
2002

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Fiscal Year 2002 Program Performance Report for the United States International Trade Commission



Introduction

The U.S. International Trade Commission (Commission or ITC) is pleased to present this Program Performance Report for fiscal year (FY) 2002. The Report was prepared in accordance with the Government Performance and Results Act (Results Act).

The Commission was established by Congress as an independent, quasi-judicial federal agency with broad investigative responsibilities on matters of trade.¹ The agency investigates the effects of dumped and subsidized imports on domestic industries, and conducts global safeguard investigations. The Commission also adjudicates cases involving alleged infringement of intellectual property rights by imports. Through such proceedings, the agency facilitates a rules-based international trading system. The Commission also maintains the Harmonized Tariff Schedule of the United States and serves as a national resource where trade data and other trade policy-related information are gathered and analyzed. The information and analysis are provided to the President, the Office of the United States Trade Representative (USTR), and Congress to facilitate the development of sound and informed U.S. trade policy. The information and analysis generally are also made available to the public to promote understanding of international trade issues. A description of the Commission's organizational structure is provided in appendix A.

Mission

The mission of the Commission is to: (1) administer U.S. trade remedy laws within its mandate in a fair and objective manner; (2) provide the

¹ Many of the functions of the Commission are assigned by statute, e.g., 19 U.S.C. §§ 1332, 1337, 1484, 1671 *et seq.*, 2151, 2252, 2436, 2451, 2451a, 2463, 2704, 3005, 3007, 3010, and 3204.

President, USTR, and Congress with independent, quality analysis, information, and support on matters of tariffs and international trade and competitiveness; and (3) maintain the Harmonized Tariff Schedule of the United States.

In so doing, the Commission serves the public by implementing U.S. law and contributing to the development of sound and informed U.S. trade policy.

Relationship to other Planning Documents

In accordance with the Results Act, the Commission issues a Strategic Plan, annual Performance Plans, and annual Program Performance Reports. As discussed below, the Commission has also issued an Information Resource Management (IRM) strategic plan and is preparing a Human Resources (HR) Plan. The Commission is also continuing to link the Strategic Plan with its annual Budget Justification. The Strategic Plan covers a period of five years and establishes general goals and objectives for the Commission. The Performance Plans set out performance goals and indicators for each year that correspond to the general goals and objectives in the Strategic Plan, and that define the level of performance to be achieved by the agency in the respective year. The Performance Plans also describe briefly the operational processes, skills and technology, and the human, capital, information, and other resources required to meet the performance goals.

The Program Performance Report describes, for a specific fiscal year, the extent to which the Commission has met the performance goals established in the Performance Plan for that year. The Report also discusses any instance in which the agency did not meet a goal, and indicates the actions the agency is taking to ensure that goals are met in the future. The current report covers the Commission's performance in FY 2002, and also discusses for comparison purposes the agency's performance in FYs 1999, 2000, and 2001.

Operations and Goals

The Commission has one program activity set forth in the Budget of the United States. However, for the purposes of its Strategic Plan, Performance Plans, and Program Performance Reports, the Commission has divided the agency's functions into five operations that serve the Commission's external customers.

The five operations are:

- Import injury investigations;
- Intellectual property-based import investigations;
- Research;
- Trade information services; and
- Trade policy support.

This Program Performance Report for FY 2002 addresses each operation and the goals and indicators established in the FY 2002 Performance Plan.

Human Resources Planning

The Strategic Plan also identifies general goals and objectives for HR planning. The FY 2003 and 2004 Performance Plans set performance goals and indicators in that regard.

During FY 2002, the Commission began the process of developing an HR planning strategy. Although work was delayed by the retirement of the HR Director and departure of the Deputy HR Director, the Commission has obtained consultant support for strategic workforce planning and succession management efforts through the Office of Personnel Management's Training and Management Assistance Program. The Commission anticipates that work will be completed in FY 2003-04, in accordance with the performance plans for those years. The resulting strategic HR plan will incorporate human capital goals consistent with the President's Management Agenda and provide a framework for resource decision-making to support mission accomplishment in Operations 1 through 5.

Other Management Initiatives

Consistent with the Information Technology Management Reform Act of 1996 (Clinger-Cohen Act), the Commission's planning process includes an IRM component. The Commission has developed an IRM strategic plan that shows how the agency's investment in information technology (IT) contributes to its strategic goals. In addition, recent Performance Plans developed similar linkages. The fourth edition of the Strategic Plan contains general objectives that relate to broad IT initiatives. An example of the Commission's IT initiatives is the recent replacement of the agency's Electronic Document Information System (EDIS) with a new

system that will both maintain agency records electronically and permit members of the public to file documents with and obtain documents from the Commission over the Internet. Furthermore, the Commission recently realigned its IT functions and consolidated IT services under the direction of a Chief Information Officer. These changes streamline the IT management structure, make the Commission's processes more citizen-centered, and help accomplish a number of e-Government initiatives currently underway at the Commission, consistent with the President's Management Agenda and the objectives of the Clinger-Cohen Act.

Another goal of the Commission is to continue integrating the strategic planning process with the budget formulation process. The FY 2004 Budget Justification that was submitted to Congress in February 2003 is organized according to the Commission's operations, and actual and projected obligations are set out by operation. The Commission obligated \$48 million in FY 2001, \$52.6 million in FY 2002, and expects to obligate around \$54 million in support of its operations for FY 2003. In the sections below pertaining to each of the operations, the FY 2002 expenditures and estimated funding for FY 2003 are provided. These figures represent the direct labor costs charged to the operations, as well as various indirect costs that are allocated to them.²

Reviews and Evaluations

The Commission performs a review of the Strategic Plan on an annual basis. This includes an assessment of the agency's general objectives and how well the agency's operations implement and achieve these objectives. During FY 2001, the Commission evaluated the FY 2001 Performance Plan and the actual performance achieved in FY 2000. As a result of the review, the Commission issued a substantially revised and updated fourth edition of its Strategic Plan. In conducting its most recent annual review, the Commission determined that it would undertake a revision of its Strategic Plan during FY 2003 to further integrate its planning and budget formulation process. It plans to issue the fifth edition of its Strategic Plan in September 2003. The Commission has also reviewed the goals in the FY 2003 Performance Plan in light of agency performance in FY 2002, and has determined that the performance goals in its FY 2003 Performance Plan are appropriate.

² Agency-wide administrative support and capital expenditures generally are allocated to each operation based on the share of total direct costs accounted for by the operation.

The Commission performs an annual verification and validation of measured performance indicators. For each operation, a senior agency manager serves as Operation Coordinator. Under the general oversight of the Strategic Planning Committee, the Operation Coordinators and Offices supplying the data are responsible for that verification and validation.

The Commission has not conducted formal program evaluations as part of its planning. However, the planning process has benefitted from audits and inspections conducted by the agency's Office of Inspector General concerning various aspects of agency operations. Moreover, the Commission has conducted informal evaluations of various of its functions. For example, the Commission established formal guidelines on Web Site Responsibilities and Management. The standards are designed to ensure that all public ITC web sites:

- (i) are easily accessible to the public
- (ii) serve the Commission's mission
- (iii) provide content and quality that properly reflect the Commission
- (iv) meet the needs of the Commission's diverse audiences
- (v) meet relevant regulatory requirements.

These standards are being used to guide the transformation of the Commission's web site from a relatively static information posting device to a dynamic electronic portal to the Commission's operations and products. With the reorganization of the Commission's information services functions under the Office of the CIO, responsibility for web site standards has been transferred to the CIO.

Currently, the Commission is reviewing the effectiveness of its procedures in antidumping/ countervailing duty (AD/CVD) proceedings. As part of this review, the Commission is seeking public comment on its AD/CVD procedures. The agency continues to look for opportunities to perform other such evaluations.

Comparison of Actual Performance to Performance Goal Target Levels

The Commission established five general goals and 18 general objectives for its five operations in the fourth edition of its Strategic Plan. With a few exceptions, the general objectives correspond to strategic goals developed for the previous Strategic Plan. As a result, the annual performance goals created for FY 2002 relate closely to performance

goals established for previous fiscal years. Where possible, the Commission developed or identified quantitative indicators for these annual goals and for those in ensuing years. In many cases, benchmarks for these indicators were established in FY 1999 and reported in the Commission's Program Performance Report for that year.

In FY 2002, the Commission met or exceeded most of the quantitative goals it set for that year. Other goals, which specified meeting established statutory or administrative deadlines, were met in most instances. During the year, the Commission's efforts to meet goals associated with making information available to the public electronically were hampered by delays in the implementation of the new EDIS, as well as increasing limitations associated with the Commission's aging EDIS.

The remainder of this report provides a comparison of actual FY 2002 performance to the goals established for that fiscal year and, where appropriate, to baseline measures established in FY 1999. The discussion is organized by operation. Within each of these sections, the general objectives, corresponding FY 2002 performance goals and indicators, and FY 2002 results are discussed.

Finally, the report identifies each specific goal that was not fully achieved and discusses corrective measures that the Commission has undertaken in response. The Commission believes that the performance data included in this report are both complete and reliable.

Guide to abbreviations used in the Report

Abbreviations	Meanings
AD	Anti-dumping
ALJ	Administrative Law Judge
APO	Administrative protective order
Blue Book	<i>Antidumping and Countervailing Duty Handbook</i>
CIO	Chief Information Officer
CVD	Countervailing duty
DIOC	Document Imaging Oversight Committee
EDIS	Electronic Document Information System
EC	Office of Economics
ER	Office of External Relations
GC	Office of the General Counsel
HR	Office of Human Resources
HTS	Harmonized Tariff Schedule of the United States
HTSA	Harmonized Tariff Schedule of the United States Annotated
ID	Initial determination by an ALJ
IER	<i>International Economic Review</i>
IND	Office of Industries
INV	Office of Investigations
ITTR	<i>Industry Trade and Technology Review</i>
NTB	Non-tariff barrier
OAD	Office of Administration
OIS	Office of Information Services
OUII	Office of Unfair Import Investigations
OP	Office of Operations
Red Book	<i>An Introduction to Administrative Protective Order Practice in Import Injury Investigations</i>
SE	Office of the Secretary
TATA	Office of Tariff Affairs and Trade Agreements
TEO	Temporary exclusion order
URAA	Uruguay Round Agreements Act
USTR	United States Trade Representative
WCO	World Customs Organization
WTO	World Trade Organization

Operation 1: Import Injury Investigations

Operation 1 covers the conduct of the Commission's antidumping (AD), countervailing duty (CVD), and sunset review investigations under title VII of the Tariff Act of 1930; global safeguard and market disruption investigations under sections 202, 204, 406, 421, and 422 of the Trade Act of 1974; investigations under sections 302 and 312 of the North American Free Trade Agreement (NAFTA) Implementation Act of 1994; investigations under section 129(a)(4) of the Uruguay Round Agreements Act (URAA); investigations under section 22 of the Agricultural Adjustment Act; and the appellate litigation of challenges to the Commission's determinations.

The Commission's Strategic Plan establishes the following general goal for this operation:

Facilitate a rules-based international trading system and ensure that the U.S. fully benefits from that system by producing high quality and timely import injury determinations based on an effective exchange of information between the Commission and interested persons, an appropriate investigative record, and fair and equitably-implemented procedures.

In FY 1999 the Commission experienced a substantial increase in import injury workload resulting from the new requirement imposed by the URAA to review all existing AD and CVD orders over five years old. That workload carried over into FY 2000 and was completed in FY 2001 for the orders that pre-dated the URAA. However, the decline in such "sunset" reviews in FY 2001 and FY 2002 was offset by an increase in new import injury investigations (both AD/CVD and safeguard), with the overall result being a continued high level of activity (table 1-1 and figure 1-1).

Actual expenditures for Operation 1 amounted to \$15.1 million in FY 2002. The Commission estimates that it will obligate \$16.3 million in FY 2003. Performance results for FY 2002 are discussed in detail below.

Table 1-1: Summary of import injury investigations, FY 1998-2002

Type and status	FY 1998	FY 1999	FY 2000	FY 2001	FY 2002
Instituted:					
Preliminary Title VII ¹ . . .	9	15	13	24	15
Final Title VII ¹	4	12	12	15	15
Expedited Sunset ²	3	21	7	2	2
Full Sunset ²	5	28	13	0	3
Other ³	3	6	3	7	2
Total	24	82	48	48	37
Completed:					
Preliminary Title VII ¹ . .	7	17	9	23	13
Final Title VII ¹	8	11	18	8	18
Expedited Sunset	0	14	17	1	2
Full Sunset	0	7	24	14	2
Other ³	3	4	3	7	3
Total	18	53	71	53	38

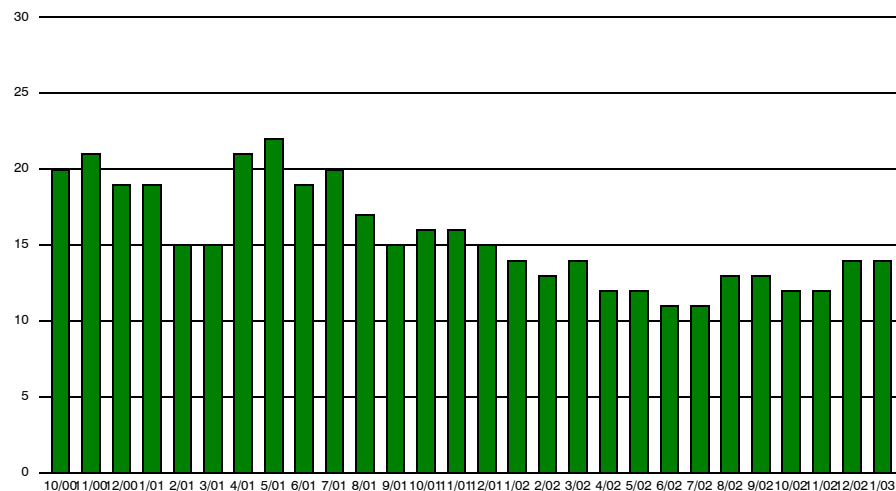
¹ The data shown for preliminary and final title VII investigations group AD and CVD investigations together since these investigations generally run concurrently and are handled by the same investigative team.

² Does not include investigations that were terminated without a Commission determination.

³ Includes global safeguard investigations, China safeguard investigations, and other investigations.

Source: Office of Investigations and Office of Administration

Figure 1-1: Import Injury Investigations Open, by months, for October 2000 through January 2003



Source: Office of Investigations.

FY 2002 Performance

The Commission established four general objectives and corresponding annual performance goals for this operation. The performance results for FY 2002, discussed below, demonstrate that the Commission met the specific performance goals established for the year with the exception of a goal pertaining to document entry into EDIS.

General Objective 1: Obtain customer satisfaction with investigative procedures as measured by feedback from users of the process.

FY 2002 Performance Goal

Investigative procedures revised, as appropriate, taking into account survey responses.

Performance Indicator¹

Results of customer survey on investigative procedures (INV/GC).

¹ The offices shown in parentheses are the staff offices responsible for measurement.

A survey to obtain feedback from users of the Commission's investigative process has been conducted biannually, beginning in FY 1999. The FY 2001 survey was sent to approximately 300 firms and individuals on the Secretary's existing mailing lists for title VII and safeguard investigations. Although responses were limited, results were generally favorable and similar to those of the survey conducted during FY 1999. Based in part on survey comments, Commission staff held several internal meetings during the year to discuss investigative procedures and implemented a number of changes. Moreover, more recently the Commission determined to enhance its efforts to obtain customer feedback by seeking public comment on investigative procedures by notice published in the *Federal Register*.

Also, with the filing of the first China safeguard investigation, the Commission put into effect the procedures that it will use in this new type of investigation. The EDIS replacement, discussed further below, also involves a number of process changes.

General Objective 2: Conduct appropriate internal review of draft investigation documents.

FY 2002 Performance Goals

- a. 70% positive response from Commissioners on availability of data.
- b. 100% of draft staff reports circulated for review.
- c. 100% of draft legal issues memoranda and draft opinions circulated for review.

Performance Indicators¹

- a. Commissioner comments on availability of data (INV/GC).
- b. Draft staff reports to investigative team for review (INV).
- c. Draft legal issues memoranda and draft opinions to team for comment on factual accuracy and confidentiality (GC)

¹ The offices shown in parentheses are the staff offices responsible for measurement.

Commissioners were polled concerning the availability of data for all investigations conducted during the year. As in previous years, comments offered were favorable, but difficult to quantify.

As shown in table 1-2, all of the draft staff reports, draft legal issues memoranda, and draft opinions were circulated to the investigative team for review. These results compare favorably with those in FY 1999 through FY 2001.

Table 1-2: Number of documents circulated for review, FY 1999-FY 2002¹

Item	FY 1999	FY 2000	FY 2001	FY 2002
Draft prehearing and final reports	88(88)	111(111)	81(81)	59(59)
Draft legal issues memoranda	48(48)	68(69)	52(52)	38(38)
Draft opinions	49(49)	69(69)	52(52)	38(38)

¹ Numbers in parentheses show the total number of draft reports, memoranda, and opinions.

Source: Office of Investigations and Office of the General Counsel.

General Objective 3: Implement more effective methods, including electronic means, to gather and disseminate investigative records and provide information on Commission investigative processes to investigative participants and the public.

FY 2002 Performance Goals

- a. EDIS replacement completed.
- b. 2 semi-annual reviews of Web site and revisions completed.
- c (i). 75% of documents available on EDIS within 5 business days of filing with SE.
- c (ii). Given completion of EDIS replacement, document entry goals revised for FY 2003.

Performance Indicators¹

- a. More effective information management methods adopted (INV/GC/SE).
- b. Review of Web site and revision of content as appropriate (INV).
- c. Entry of documents into EDIS after filing (SE)

¹ The offices shown in parentheses are the staff offices responsible for measurement.

EDIS replacement was pending at fiscal year end. The new EDIS was activated internally in mid-December 2002 and made available to the public on January 23, 2003.

The Commission makes a variety of materials related to import injury investigations available in hard copy form, as well as on its Web site in a manner that is consistent with established guidelines. This information is reviewed and updated regularly. Of note, the Commission generally updates its *Antidumping and Countervailing Duty Handbook* (Blue Book) and *An Introduction to Administrative Protective Order Practice in Antidumping and Countervailing Duty Investigations* (Red Book) in alternate years. In FY 2002, the Commission updated and published the Blue Book (USITC publication 3482, December 2001) to reflect current Commission policies and procedures, and posted it, along with other information, on the Web site. The Commission will review, and update as necessary, the Red Book in FY 2003.

The goal pertaining to document entry into EDIS was added in FY 2002 for this Operation. In previous years, document entry was only monitored under Operation 2. Because of the deteriorating condition of EDIS, the Commission established an initial document entry goal of 75 percent of documents available on EDIS within five business days. This goal was not met during FY 2002, as only approximately 60 percent of filings were scanned into EDIS within five days of receipt by the Commission. This issue is discussed more fully below (see Operation 2, General Objective 4).

General Objective 4: Meet statutory and administrative deadlines.

FY 2002 Performance Goal

100% on time

Performance Indicator¹

Reports and determinations (INV) and memoranda and draft opinions (GC) issued on time.

¹ The offices shown in parentheses are the staff offices responsible for measurement.

During FY 2002, the Commission met all of its statutory deadlines as all 40 determinations (and in most cases public reports accompanying the determinations) were issued on or before their deadlines (table 1-3). Further, with regard to administrative deadlines, all 18 prehearing reports; all 41 staff reports; all 38 legal issues memoranda; and all 38 draft opinions prepared during the year were issued in accordance with established or amended agreed-upon schedules (one prehearing report, two staff reports, and two draft opinions were submitted at least one day early).

Table 1-3: Number of documents issued on time, FY 1999-FY 2002¹

Item	FY 1999	FY 2000	FY 2001	FY 2002
Determinations	53(53)	71(71)	57(57)	40(40)
Prehearing reports	28(28)	39(39)	28(28)	18(18)
Staff reports	58(58)	72(72)	53(53)	41(41)
Legal issues memoranda	48(48)	69(69)	52(52)	38(38)
Draft opinions	49(49)	69(69)	52(52)	38(38)

¹ Numbers in parentheses show the total number of reports, memoranda, and opinions. Note that differences in the number of documents issued by INV and GC may occur because: (1) in some investigations INV normally is tasked with preparing more documents and (2) in some investigations the parallel INV reports and/or GC memoranda/draft opinions may be outside the designated period.

Operation 2: Intellectual Property-Based Import Investigations

The Commission adjudicates complaints brought by domestic industries under section 337 of the Tariff Act of 1930 that allege infringement of U.S. intellectual property rights and other unfair methods of competition by imported goods. In doing so, the Commission strives to produce high-quality, detailed analyses of complex legal and technical subject matter and issue determinations that can be successfully defended during judicial appeals. These investigations are conducted in accordance with the Administrative Procedure Act, which affords the parties the opportunity to conduct discovery, present evidence, and make legal arguments before the ALJs and the Commission. The procedures protect the public interest and provide the parties with prompt, timely adjudication of investigations.

The Commission's Strategic Plan establishes the following general goal for this operation:

Facilitate a rules-based international trading system by conducting expeditious intellectual property-based import investigations in a transparent manner and providing for effective relief when violations of section 337 are found and relief is warranted.

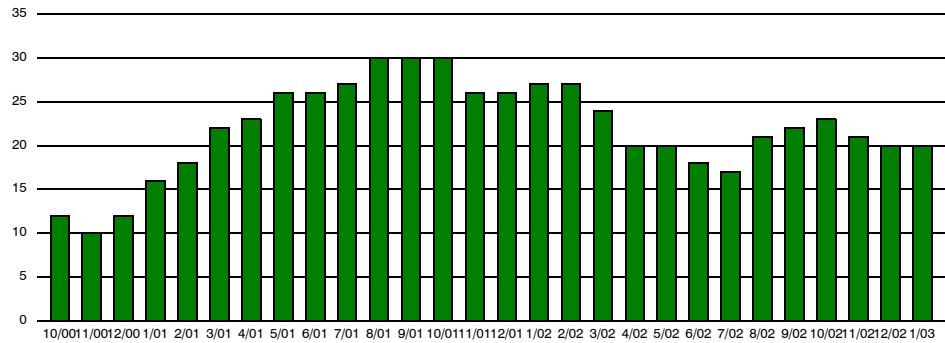
During FY 2002, 46 section 337 investigations and ancillary proceedings were active at the Commission. This number includes 15 investigations instituted in FY 2002 based on new complaints of violations of the statute and one new ancillary enforcement proceeding related to a previously concluded section 337 investigation. This represents an 84 percent increase over the number of active investigations in FY 2000. Table 2-1 and figure 2-1 show the workload trends for intellectual property-based import investigations and ancillary proceedings in FY 2002. Actual expenditures for Operation 2 amounted to \$7.2 million in FY 2002. The Commission estimates that it will obligate \$7.5 million in FY 2003. Performance results for FY 2002 are discussed in detail below.

Table 2-1: Summary of intellectual property-based import investigations and ancillary proceedings, FY 1998-2002

Status	FY 1998	FY 1999	FY 2000	FY 2001	FY 2002
Instituted	17	12	12	32	16
Completed	16	12	17	10	26

Source: Office of Unfair Import Investigations.

Figure 2-1: Intellectual Property-Based Import Investigations and Ancillary Proceedings Open, by months, for October 2000 through January 2003



Source: Office of Unfair Import Investigations.

FY 2002 Performance

The Commission established four general objectives and corresponding annual performance goals for this operation. Although the section 337 workload was exceptionally heavy in FY 2002, all statutory and key administrative deadlines for section 337 proceedings continued to be met. While the average time required to reach a decision on the merits in section 337 proceedings did increase in FY 2002, the Commission sought to address the lengthening of section 337 investigations by hiring a fourth Administrative Law Judge to handle the increased workload. Significantly, during FY 2002, the Commission devoted considerable resources to the development and procurement of a new EDIS that, along with the adoption of other new procedures, allows the public to access and search documents filed with the Commission more rapidly and easily. The new system was made available to the public on January 23, 2003. Many of the performance goals for Operation 2 for FY 2001 - 2003 have been refined so as to incorporate more specific numeric targets and goals relating to EDIS have been revised in light of the new system.

General Objective 1: Meet statutory and key administrative deadlines³

FY 2002 Performance Goal

100 percent of actions occur on time

Performance Indicators¹

- a. Investigations are instituted, and target dates are set on time; investigations are completed consistent with URAA time frame guidelines (OUII).
- b. Final IDs and final determinations are issued on their target dates (GC).
- c. In TEO proceedings, TEO IDs and determinations are issued on time (GC).

¹ The offices shown in parentheses are the staff offices responsible for measurement.

Statutory and administrative deadlines

In FY 1999 and FY 2000, the Commission met all statutory and key administrative deadlines. The results for FY 2001 were the same with the exception of the establishment of a target date in one investigation.

In FY 2002, the Commission met all statutory and key administrative deadlines. Specifically:

- Deadlines for decisions on institution of investigations were met for all new complaints in FY 2002;
- Deadlines for establishing target dates were met for all section 337 investigations instituted in FY 2002;
- Deadlines for issuance of final IDs and target dates for Commission decisions were met for all section 337 investigations completed in FY 2002; and
- There were no TEO proceedings in FY 2002.

Length of investigations

For the 13 investigations commenced between January 1, 1992 and December 31, 1994 (the three-year period before statutory time limits were removed under the URAA) in which the Commission rendered a final decision on the merits of the existence of a violation, the time for completion of an investigation ranged from 9.5 months to 18 months, with an average time for completion of 13.5 months.

In FY 1999, the Commission rendered a final decision on the merits of the existence of a violation in 5 investigations commenced in FY 1998. The time for completion of these investigations ranged from 10.5 to 14

³ Note that this general objective encompasses the following strategic goal contained in the 3rd edition of the Commission's Strategic Plan: "Conclude section 337 investigations in time frames that are consistent with the URAA."

months, with an average time for completion of 12.2 months. In FY 2000, the Commission rendered a final decision on the merits of the existence of a violation in three investigations commenced in FY 1999. Each of these investigations was concluded in 12 months.

In FY 2001, the Commission rendered a final decision on the merits of the existence of a violation in three investigations commenced in FY 2000 and two investigations commenced in FY 2001. The length of the investigations that were commenced in FY 2000 ranged from 8.5 to 18 months, with an average of 13.5 months. The length of the investigations that were commenced in FY 2001 ranged from 6.5 to 8.5 months with an average of 7.5 months. It is difficult to draw conclusions or make comparisons with earlier periods respecting time frames for rendering final decisions on the merits in section 337 investigations based on the foregoing data regarding investigations concluded in FY 2001. While most final decisions on violations of section 337 are made after trial, only two of the decisions on violation in FY 2001 were reached after trial, with the remaining three decided on the basis of summary determinations made before trial.

In FY 2002, the Commission rendered a final decision on the merits of the existence of a violation in seven investigations commenced in FY 2001. The length of these investigations ranged from 13 to 19 months, with an average of 15.8 months. Section 337 investigations often straddle more than one fiscal year, and in FY 2002 no final decisions on the merits were reached in investigations commenced during that fiscal year.

While the average time required to reach a decision on the merits in section 337 investigations did increase in FY 2002, it bears note that the number of new section 337 investigations and ancillary proceedings instituted in FY 2001 was more than two and one-half times the number instituted in FY 2000. As a result, the number of section 337 investigations active during FY 2001 and FY 2002 was also quite high, with 40 investigations active during FY 2001 and 46 active during FY 2002, as compared to 25 active investigations during FY 2000. Thus, the increase in the length of section 337 investigations occurred at a time of marked increase in the section 337 caseload.

The Commission hired a fourth Administrative Law Judge in May 2002. This action allows for distribution of the section 337 caseload among more Judges and recognizes the need to insure the expeditious resolution of section 337 investigations in accordance with the URAA.

The URAA requires that, within 45 days of the commencement of a section 337 investigation, a target date be set for completion of the

investigation. In FY 1999, target dates ranged from 11 to 14 months (excluding a five month target date that was set at the time of settlement) with an average of 12.1 months. For investigations commenced in FY 2000, target dates ranged from 11 to 18 months, with an average of 13.6 months.

For investigations commenced in FY 2001, target dates ranged from 11 to 24.5 months, with an average of 14.8 months. The target date data suggest some lengthening of section 337 investigations. However, given that the number of new section 337 investigations in FY 2001 was more than double that of FY 2000, and that several investigations had to be re-assigned during the year when one ALJ left the agency and another came on board, this increase was moderate and not unexpected.

Target dates for investigations commenced in FY 2002 ranged from 11 months to 18 months, with an average target date of 13.8 months. Thus, the average target date for cases commenced in FY 2002 was a month shorter than the average target date set in FY 2001, but more than a month longer than the average target date for cases commenced in FY 1999. In addition, during FY 2002, target dates in several investigations that began in FY 2001 were extended. Concerns about the lengthening of target dates led the Commission to reject target date extensions sought by an administrative law judge in two investigations during FY 2002 and, in so doing, the Commission formally re-emphasized the importance of concluding 337 investigations as expeditiously as possible.

General Objective 2: Reduce average time to conclude ancillary proceedings

FY 2002 Performance Goal

Average length of proceedings is:

- a. modification – 7 mos.
- b. advisory – 12 mos.
- c. enforcement – 13 mos.

Performance Indicator¹

Length of ancillary proceedings (OUII/GC).

¹ The offices shown in parentheses are the staff offices responsible for measurement.

Putting aside ancillary proceedings that terminated because of intervening events, four formal enforcement and two modification proceedings were instituted during the 10-year period between the start of FY 1989 and the close of FY 1998.⁴ The formal enforcement proceedings took an average of 19.4 months to complete after institution. The modification proceedings took an average of four months to complete after institution.

No enforcement or modification proceedings were commenced in FY 1999 or FY 2000. However, another type of ancillary proceeding, an advisory opinion proceeding that commenced in FY 1999, was completed in FY 2000. This proceeding took 14 months to complete. Also, one advisory opinion proceeding was commenced in FY 2000, and that proceeding was completed in 10 months. Because the advisory opinion proceedings instituted between FY 1989 and the end of FY 1998 did not proceed to final decisions, there is no baseline against which to compare the length of this particular type of ancillary proceeding.

A reconsideration proceeding that began in FY 1999 was active throughout FY 2000 and was completed at the start of FY 2001. That proceeding, which was actually more akin to a remand proceeding on substantive issues than to other types of ancillary proceedings, was completed in 25 months. Here again, because of the unusual nature of this proceeding, there is no baseline against which to compare the length of this particular ancillary proceeding.

The Commission commenced two ancillary proceedings in FY 2001, a modification proceeding and a consolidated enforcement and advisory opinion proceeding. Both of these proceedings were still pending at the end of FY 2001.

In FY 2002, the Commission completed the exclusion order modification proceeding it had commenced in FY 2001. This proceeding was concluded in 14 months and, thus, took twice as long to complete as the FY 2002 goal for completing modification proceedings, which was seven months. However, it should be noted that this modification proceeding was self initiated by the Commission and resulted in the vacatur of an exclusion order that had been outstanding since 1983, and that work on the modification proceeding was several times delayed by the necessity to work on more pressing matters. It is believed that the 14 months required to complete this modification proceeding is anomalous, and

⁴ The ancillary proceedings that are the focus of this performance goal are advisory opinions, modifications, and enforcement proceedings. A reconsideration proceeding is also being reported for FY 2001 for purposes of completeness.

that the FY 2003 and FY 2004 goals for completing modification proceedings in six months need not be revised.

The other ancillary proceeding that began in FY 2001 – a consolidated enforcement and advisory opinion proceeding — remained pending at the end of FY 2002. In addition, the only ancillary proceeding commenced during FY 2002, an enforcement proceeding, was also pending at the end of FY 2002.

General Objective 3: Address reports of violations of remedial orders in a timely manner and improve communications regarding enforcement of remedial orders

FY 2002 Performance Goal

- a. Respond to communications regarding possible violations within 3 business days.
- b. Issue seizure and forfeiture orders quarterly.

Performance Indicators¹

- a. Timely responses to calls and letters re purported violations (OUII/GC).
- b. Timely seizure and forfeiture notices resulting from Customs letters (GC).

¹ The offices shown in parentheses are the staff offices responsible for measurement.

Responses to inquiries

In FY 1999 only one report regarding a suspected violation of a section 337 remedial order was received, and that report received a response within two weeks. In FY 2000, the Commission received a limited number of general inquiries regarding suspected violations. Only two significant reports of purported violations were received in FY 2000 and Commission personnel responded to both of these inquiries within a few days. Similarly, few such inquiries were received in FY 2001. In those instances where complainants contacted Commission staff to discuss possible violations, Commission staff responded promptly to the inquiry, usually within a few days, and, where appropriate, conferred with Customs personnel. Apart from contacts relating to on-going proceedings, only one inquiry regarding purported violations of a section 337 remedial order was received in FY 2002, and that inquiry was responded to at the time of receipt.

Issuance of seizure and forfeiture notices

During FY 1999, 15 letters were received from the U.S. Customs Service regarding attempted entries of excluded goods. Customs subsequently rescinded one of the letters. The time between receipt of the Customs letters and the Commission's issuance of the seizure and forfeiture orders ranged from 3 to 15 months. (So that the Commission does not issue seizure and forfeiture orders during the period when protests of Customs action may be lodged, there is necessarily a 90-day waiting period before issuance of Commission seizure and forfeiture orders.)

In FY 2000, six letters were received from the U.S. Customs Service regarding attempted entries of excluded goods. Customs subsequently rescinded one of these letters. The time between receipt of the Customs letters and the Commission's issuance of seizure and forfeiture orders for these five letters ranged from 4.5 to 11 months. To reduce the period between receipt of Customs letters regarding attempted entries and the issuance of seizure and forfeiture orders, a goal for issuance of such orders of no more than 30 days after the end of the 90-day waiting period was set for FY 2001.

In FY 2001, 10 letters were received from the U.S. Customs Service regarding attempted entries of excluded goods. The Commission issued seizure and forfeiture orders in response to five of those letters. Also in FY 2001, the Commission issued five seizure and forfeiture orders in response to five letters received from Customs in FY 2000. The time between receipt of the Customs letters and issuance of these 10 seizure and forfeiture orders ranged from 1 month to 11 months, with an average of 4.9 months.

Seizure and forfeiture orders were not issued in response to three letters received in March and April of 2001 because the involved order expired in September 2001. Commission action on the remaining letters received in April and July of FY 2001 was still pending at the end of the fiscal year.

The 10 seizure and forfeiture orders issued in FY 2001 were issued, on average, about 60 days after the end of the waiting period. Thus, the average time for issuance of seizure and forfeiture orders was approximately 30 days in excess of the stated goal. New procedures were instituted such that beginning with FY 2002, seizure and forfeiture orders are issued at quarterly intervals, *viz.*, on or about December 1, March 1, June 1, and September 1. It was believed that this new procedure, by adding structure to the process, would reduce the average time for issuance of seizure and forfeiture orders.

During FY 2002, the Commission received three letters from the U.S. Customs Service regarding attempted entries of excluded goods and issued a seizure and forfeiture order based on each of these letters. Use of the new procedure, in accordance with the FY 2002 performance goal for quarterly issuance of seizure and forfeiture orders, resulted in the issuance of one order fewer than 30 days after the end of the waiting period for possible protests of Customs action. However, the other two orders were issued slightly more than 60 days after conclusion of the waiting period. Thus, the new procedure used in FY 2002 did not, as expected, reduce the average time for issuance of seizure and forfeiture orders.

General Objective 4: Increase information accessible to staff and the public via electronic and other means.

FY 2002 Performance Goal

- a. 2 semi-annual reviews of Web site and revisions of content completed.
- b. (i) 75% of documents available on EDIS within 5 business days of filing with SE.
- b. (ii) EDIS replacement completed and document entry goals revised for FY 2003.

Performance Indicators¹

- a. Review of Web site and revision of content as appropriate (OUII/GC).
- b. Prompt entry of documents into EDIS after filing (SE).

¹ The offices shown in parentheses are the staff offices responsible for measurement.

Review of web site

In FY 1999, OUII compiled an inventory of information on the Commission's web site regarding section 337 and established a Section 337 Information Resources web page. In FY 2000, the Commission made additional information pertaining to section 337 investigations available on the Commission's web site, including the full text of all outstanding section 337 exclusion orders and cease and desist orders, and a link to EDIS, which provides ready access over the Internet to the Commission's public documents in all types of investigations. The Section 337 Investigational History database, which contains summary information about all past and present section 337 investigations and is accessible through the Section 337 Resources web page, was also updated and supplemented throughout FY 2000.

During FY 2001, the Commission continued to make additional information pertaining to section 337 investigations available on the Commission's web site. Changes to the site included adding new links and clarifying information and revising the Rules link so that Section 337 Rules could be readily accessed without calling up unrelated information pertaining to other Rules. The Section 337 Investigational History database was also updated and supplemented throughout the year and additional scheduling information was made available to the public through the database.

During FY 2002, the Commission again made additional information pertaining to section 337 investigations available on the web site. In particular, the Commission substantially revised the Section 337 Frequently Asked Questions (FAQs) pamphlet it has distributed since 1997, and made the new pamphlet available for downloading from the Section 337 Resources web page. The revisions to the FAQs were designed to improve readability and eliminate unnecessary detail, as well as to reflect current procedures. A "337 e-mailbox" was also added to further facilitate communications with the public about section 337 matters. As in prior years, the Section 337 Investigational History database was regularly updated and supplemented throughout the year. The 337 website working group met three times during the year to review website content pertaining to section 337, monitor the implementation of changes to the website, such as inclusion of the revised FAQs pamphlet, and plan for future website enhancements. Inasmuch as periodic website working group meetings proved to be useful this year, the goal of two semi-annual reviews and completion of further revisions to the website will be retained for FY 2003.

Document entry

Operation 2 documents that are entered into EDIS fall into two broad categories – 337 filings and evidentiary records or exhibits. Both of these categories are discussed in this section.

Overall, in FY 1999, approximately 40 percent of section 337 filings were scanned within two business days of filing and approximately 60 percent of filings were scanned within four business days of filings. Moreover, there were significant variations in the rate of scanning due to periods of exceedingly heavy filings and technical problems with the Commission's imaging system. Given both the increase in workload and the limitations of the existing system, the Commission determined that its imaging system needed to be replaced and upgraded to better serve its

customers. Accordingly, in FY 1999, the Commission initiated a functional requirements study of its imaging needs, with a view toward procuring a new imaging system in FY 2000.

During FY 2000, SE regularly assessed scanning update rates and continued to work toward the goal of scanning approximately 66 percent of all new filings into EDIS within two business days and scanning 75 percent of all new filings within four business days. The update rates achieved in FY 2000, though still somewhat below the scanning rate goals, represented a significant increase over the rates achieved in FY 1999. Overall, in FY 2000, approximately 54 percent of filings were scanned within two business days of filing and approximately 73 percent of filings were scanned within four business days of filing. Reasons for not achieving scanning goals included technical problems with the imaging system and the need to hold a substantial number of documents before scanning until confidentiality and other issues were resolved. Work on procurement of a new imaging system for the Commission continued in FY 2000.

During FY 2001, SE again regularly assessed scanning update rates and continued to work toward the scanning goals. Overall, in FY 2001, approximately 45 percent of filings were scanned within two business days of filing and approximately 67 percent of filings were scanned within four business days of filing. Thus, the update rates achieved in FY 2001 were below the scanning rates for FY 2000. The decline in scanning rates is primarily attributable to the extremely high volume of filings in both the Steel safeguard case and the section 337 area in FY 2001, which overwhelmed the Commission's aging imaging system. During FY 2001, Commission personnel were engaged in the process of procuring a new imaging system, which was initially slated for installation in FY 2002. In conjunction with the procurement and implementation of the new imaging system, scanning procedures and update rate goals were reviewed and revised in FY 2001.

In view of the declining condition of the Commission's imaging system, the update rate goals for EDIS were lowered for FY 2002, and in FY 2002, considerable resources were devoted to replacement of the system. Thus, during FY 2002, SE worked toward the goal of making 75 percent of documents available on EDIS within five business days. Overall, during FY 2002, approximately 60 percent of filings were scanned into EDIS within five days of receipt by the Commission. Thus, the update rates achieved in FY 2002 were below the revised performance goal established for the year. Several events contributed to this decline in the

update rate. Most significantly, the Commission's imaging system was unable to scan for approximately a three week period while problems with the system were diagnosed and then corrected. Moreover, during the year, substantial resources were devoted to support planning and testing for the replacement EDIS system.

Although the replacement of EDIS was not completed during FY 2002, at year's end the new EDIS was in final development by the contractor. As noted above, the new EDIS was activated internally in mid-December 2002 and made available to the public on January 23, 2003. To address the need for faster access to documents filed with the Secretary, the new system is designed to permit users to either electronically file documents or electronically submit index information for paper format documents. Paper format documents will be scanned immediately after review of the paper format documents for proper filing. Thus, performance goals regarding the speed with which documents filed with the Commission will be made available electronically have been revised for FY 2003 and FY 2004.

In FY 1999, the Document Imaging Oversight Committee (DIOC) assessed the process for incorporating evidentiary records from section 337 investigations into EDIS, set up a database for tracking this process, and established goals for FY 2000. In FY 2000, SE and OIS worked toward a goal of entering section 337 evidentiary records into EDIS within 4 business days after receipt of a record consisting of 10,000 pages or less, with a further goal for larger records of one additional business day for each additional 10,000 pages. Of the five section 337 evidentiary records created in FY 2000, only one was available on EDIS within the time required by these goals. With regard to the other four records, at least portions of the records were available on EDIS within one or two business days after the date called for by the goals. With one exception, the full records were available on EDIS within three business days of the goal. Overall, the average time between SE's receipt of evidentiary records and availability on EDIS decreased from 7.5 business days in FY 1999 to 6.4 business days in FY 2000.

In view of the continuing difficulties experienced in meeting the goals for electronic availability of evidentiary records, in FY 2000, SE and OIS reviewed and agreed to change the process in order to expedite the handling of the records. In FY 2001, steps were taken to improve the speed with which section 337 evidentiary exhibits were made available on EDIS. However, it became increasingly clear that the present process for handling hearing exhibits in section 337 proceedings was impractical.

Sets of evidentiary exhibits are often very large and normally contain a combination of text and images, which complicates electronic processing. In many instances, the exhibits were finalized by the parties too long after conclusion of the hearings to allow for their use in post-trial briefing. Thus, in FY 2001, it became apparent to the DIOC that the entire process for handling the exhibits and converting them into electronic form needed to be overhauled. As a result, alternative means for handling section 337 exhibits are being examined in connection with the Commission's new imaging system. During FY 2002, it was decided that efforts directed toward revamping the process for handling evidentiary exhibits would be deferred until installation and implementation of the Commission's new EDIS had been completed.

Operation 3: Research Program

The Commission contributes to the public debate on issues concerning U.S. international trade and competitiveness through an extensive research program. The Commission's analysis of trade and competitiveness issues is authorized by section 332 of the Tariff Act of 1930. The Commission's probable economic effects investigations are conducted under the authority of section 131 of the Trade Act of 1974 and section 2104 of the Trade Act of 2002. The Commission, through its research program, also takes the initiative to explore and provide independent assessments on a wide range of emerging trade issues. One of the Commission's long-range goals is to be a national resource of industry, economic, and regional trade expertise for the nation's policymakers and to enhance its position as a recognized leader in independent research and analysis. To this end, the Commission's current Strategic Plan established the following general goal for this operation:

Maintain a research program that provides the Legislative and Executive Branches, as well as the public, with timely research products that are widely recognized for their contribution to sound and informed trade policy formulation.

Table 3-1 and figure 3-1 show workload trends for the Commission's research investigations during FYs 1998-2002. In addition to conducting these formal investigations, the Commission completed 78 research articles, staff papers, and formal presentations in FY 2002. Actual expenditures for Operation 3 amounted to \$18.4 million in FY 2002. The Commission estimates that it will obligate \$19 million in FY 2003. Performance results are discussed in detail below.

Table 3-1: Summary of research program investigations,¹ FY 1998-2002

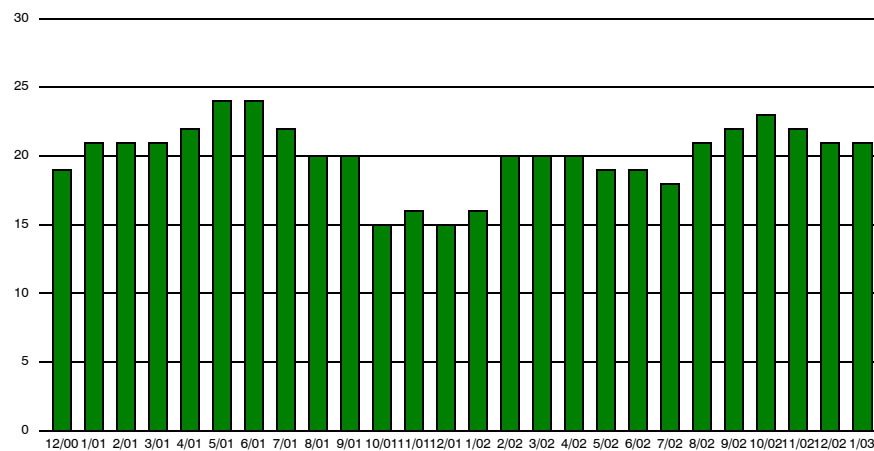
Status ²	FY 1998	FY 1999	FY 2000	FY 2001	FY 2002
Instituted	13	10	13	14	17
Active	34	30	32	33	37
Completed	14	11	13	13	14

1 Includes investigations conducted under section 332 of the Tariff Act of 1930, sections 131 and 163(c) of the Trade Act of 1974, section 1205 of the Omnibus Trade and Competitiveness Act of 1988, and sections 2104 and 2111 of the Trade Act of 2002.

2 The data presented for instituted investigations reflect those which were newly instituted in the respective fiscal years. Active investigations refer to all ongoing studies, including the recurring report series. Completed investigations do not include those that are part of an ongoing series (i.e., recurring).

Source: Office of Operations.

Figure 3-1: Research Program Investigations Active, by months,¹ for December 2000 through January 2003



¹ Includes recurring investigations.

Source: Office of Industries.

FY 2002 Performance

The Commission established four general objectives and corresponding annual performance goals for this operation in the current Strategic Plan. In FY 2002, the principal performance goal for this operation was to maintain or increase the use of ITC research capabilities and products by the Commission's customers and the public. This goal has been met with significant increases in Internet visitors; continued positive feedback from users; an increase in the number of section 332 requests; continued success in meeting research due dates; and enhancements in the agency's ability to conduct and disseminate research. The number of

requests for hard copies of reports was lower than the goal, but was more than offset by a significant increase in the number of reports downloaded through the Commission's Internet site. The Commission met or exceeded the other FY 2002 goals established for this operation.

General Objective 1: Increase use of ITC research capabilities/products by customers

FY 2002 Performance Goals

- a. Greater than 25% increase in ITC Web site activity;
 - (i) 1000-1500 requests for hard copies or CD copies of reports;
 - (ii) 70% positive response from users on research products;
 - (iii) 10-15 new investigation requests.

Performance Indicators¹

- a. Positive results from:
 - (i) Level of activity on ITC Web site (document viewing/downloading);
 - (ii) Requests for hard copies or CD copies of reports;
 - (iii) Written comments from users;
 - (iv) Number of new requests for section 332 investigations.

(OP)

¹ The offices shown in parentheses are the staff offices responsible for measurement.

The results shown below, taken together, indicate that the Commission's performance exceeded FY 2002 performance goals. While requests for hard copies of Commission research products in FY 2002 were lower than those for prior years, the significant increase in downloads of Commission reports from its Web site suggests that the Commission is achieving a desired shift towards electronic delivery of its various research products.

Activity on ITC Web site (document viewing/downloading)⁵

The Commission established FY 1999 visitor levels as a baseline for this indicator (i.e., 1999=100). The growth goal of 25 percent for FY 2002 was exceeded for the overall site (up 43 percent) and for downloads of research reports (up 44 percent). This latter increase is particularly significant since over half of the non-recurring reports released during the year were classified National Security Information and not available to

⁵ Data prepared using software designed to track access of web sites. These data do not include internal ITC users. The data presented represent an index using 1999 as the base year.

the public. There was a decline in viewing of all research pages (down 12 percent). This decline is likely due to several enhancements to the Web site in mid-FY 2001 that provided users with more direct access to individual research reports. Specifically, a universal search function and a “New and Notable” link on the home page now allow users to directly download research reports without going through intermediate research pages (table 3-2).

Table 3-2: Document viewing and downloading activity, FY 1999-FY 2002

Item	FY 1999	FY 2000	FY 2001	FY 2002
Index, 1999 = 100				
ITC web site overall (document views)	100	182	272	390
Section 332 investigations and other research:				
Document views	100	146	176	155
Document downloads	100	144	223	321

Source: Office of Operations

Requests for copies of reports⁶

The level of hard-copy report requests in FY 2002 was lower than in any of the prior three years and amounted to a decline of 34 percent from FY 2001 (table 3-3). This was not unexpected and coincides with a 44 percent increase in document downloads through the Internet in FY 2002. Given these trends, the Commission may consider dropping the goal related to the provision of paper copies within the next 2 fiscal years.

Table 3-3: Requests for publications, FY 1999 - FY 2002

Item	FY 1999	FY 2000	FY 2001	FY 2002
Number of reports				
332 investigations	1,204	873	1,049	739
Industry Summaries	259	107	133	43
ITTRs	68	96	75	65
IERs	58	66	93	62
Research studies	73	13	52	13
Total	1,662	1,155	1,402	922

Source: Office of the Secretary

⁶ Data prepared by SE using its external request database. These data represent special one-time requests—not regular mailing lists for the various reports. These data also include requests made by ITC staff, since such requested reports are usually forwarded to persons outside the Commission.

Written comments from users

This performance indicator is subjective in nature and is based on a variety of types of feedback, written and other, gathered by project leaders. The results for FY 2002 do not differ significantly from those compiled for prior years.

In FY 2002, the Commission continued its practice of including an “ITC Reader Satisfaction Survey” in each report to solicit reader comments on the value and quality of ITC research reports. However, there were very few responses and the Commission has added an electronic survey form to its Web site to facilitate and increase public feedback in the future. Public feedback during FY 2002, although positive, was possibly lower than usual because over half of the non-recurring investigations completed during the year were classified and not available to the public.

Direct feedback from USTR and Congressional staff, when received, has been positive, but has often been expressed as “nice job.” However, the Commission often learns of its reports being used by the requestor in negotiations or as part of the policy decision making process. In addition, USTR and Congressional staff frequently seek followup briefings or other assistance from investigative teams once a study is completed. This type of indirect feedback, which is perhaps a more important indicator of performance, is difficult to quantify in a consistent manner. Examples of studies where positive requester feedback was received include: *Processed Foods and Beverages: A Description of Tariff and Non-tariff Barriers for Major Products and their Impact on Trade* (inv. No. 332-421); *The Effects of EU Policies on the Competitive Position of the U.S. and the EU Horticultural Products Sectors* (inv. No. 332-423); *Wheat Trading Practices: Competitive Conditions Between U.S. and Canadian Wheat* (inv. No. 429); *Certain Wool Articles: Second Annual Report on U.S. Market Conditions* (inv. No. 332-427); *Apparel Inputs in “Short Supply”: Effect of Providing Preferential Treatment to Apparel Imported from Sub-Saharan African and Caribbean Basin Countries* (inv. No. 332-436); and *Probable Economic Effects of the Reduction or Elimination of U.S. Tariffs* (inv. No. 332-440).

In addition, positive customer feedback has occurred in the form of comments from subject industries, telephone calls to discuss reports and seek additional information, requests for briefings, and coverage in trade publications.

Number of requests for section 332 investigations⁷

The number of study requests can fluctuate significantly, varying as a function of international trade negotiating activity, domestic industry trade concerns, and legislative activity (see table 3-4). The latest 5-year average is 13.4 new investigations per year. In FY 1999, the Commission established 10 new investigations as an acceptable annual average. A range of at least 10–15 new investigations per year is now viewed as desirable. In FY 2002, the Commission instituted 17 new investigations.

Table 3-4: Requests for section 332 investigations, FY 1999-FY 2002¹

Requestor	FY 1999	FY 2000	FY 2001	FY 2002
USTR	5	8	12	13
Congress	5	5	2	4
Total	10	13	14	17

¹ Includes all formally requested research investigations under the Tariff Act of 1930, the Trade Act of 1974, and the Trade Act of 2002.

Source: Office of Operations.

General Objective 2: Institute study initiatives in emerging areas/issues

FY 2002 Performance Goal

More than 60 initiatives.

Performance Indicator¹

Numbers of self-initiated research articles, working papers, research notes, and presentations at professional meetings/conferences (OP).

¹ The offices shown in parentheses are the staff offices responsible for measurement.

Self-initiated research work is highly dependent on, and tends to exhibit an inverse relationship to the level of other, higher priority investigative work such as formally requested research investigations and import injury investigations. Table 3-5 shows the trend in independent staff research over the past four years. Overall activity in FY 2002 exceeded the goal of 60 initiatives, but decreased 33 percent from FY 2001 when Commission staff made an unusually high number of presentations. Initiatives in FY 2002 exceeded the more typical levels of FY 1999 and

⁷ Includes all formally requested research investigations under the Tariff Act of 1930, the Trade Act of 1974, and the Trade Act of 2002.

FY 2000. Still, self-initiated research is tied to Commission priorities, and often serves as a testing ground for new analytical techniques or an opportunity to collect data and information that will likely be used in future statutory work. A good example of self-initiated work that tested a new analytical approach was the 2002 EC working paper, “The NAFTA Preference and U.S. - Mexico Trade.” This study tested the usefulness of a specific analytical approach and found that it was a promising technique that could potentially be used in the Commission’s statutory research work.

Table 3-5: Self-initiated research, FY 1999-FY 2002

Item	FY 1999	FY 2000	FY 2001	FY 2002
IER articles	13	31	30	16
ITTR articles	8	9	11	10
Industry Summaries	9	5	5	3
Staff research papers	3	0	2	0
Working papers	6	6	10	12
Research notes	4	2	3	0
Formal Staff presentations	19	14	56	37
Total	62	67	117	78

Source: Office of Operations

General Objective 3: Meet deadlines of Legislative and Executive Branches for requested research products

FY 2002 Performance Goal

100% of reports on time.

Performance Indicator¹

Section 332 reports to requesters on time (OP).

¹ The offices shown in parentheses are the staff offices responsible for measurement.

In FY 1999, 22 of the 23 section 332 reports met the original or revised, mutually agreed upon deadlines. The Commission improved its record in subsequent years, issuing all section 332 reports to requesters on time or early in FY 2000 (21 reports), FY 2001 (22 reports), and FY 2002 (21 reports). The continuing Commission goal will be to complete all section 332 work on schedule.

General Objective 4: Implement more effective ways, including electronic means, to conduct and disseminate research.

FY 2002 Performance Goals

- a. Increased use of ITC Web site (including EDIS) to facilitate public involvement in studies and to disseminate information. Special efforts in FY 2002 include developmental work on a Web-based database on foreign NTB's.
- b. Expansion of economic modeling capabilities and use. Special efforts in FY 2002 include development of: (1) a new general equilibrium model and (2) a model of the Russian economy.
- c. 2 semi-annual reviews of Web site and revisions completed.

Performance Indicator¹

Number/type of enhancements in information management and analytical methods. (OP)

¹ The offices shown in parentheses are the staff offices responsible for measurement.

The FY 2002 and 2003 Performance Plans introduced this new general objective for Operation 3. The Commission has taken steps to enhance information management and analytical methods during recent years. For example, in the area of information distribution the Commission has developed a special web page to guide the public through a new statutory requirement for the Commission to provide expedited probable effect advice on "short-supply" provisions regarding textile products.

The Commission is also exploring ways to provide recurring reports in a more timely manner through the Web site; an example is the monthly and quarterly on-line updates on U.S.-Sub-Saharan Africa trade flows requested by the USTR. The agency is exploring other recurring reports that can follow this model. Also, the Commission is now using CD-ROM distribution of some reports, both as a cost-saving measure and to meet public interest in this medium. Moreover, the agency already posts all of its non-confidential studies and investigations on the ITC web site, which provides the public with instant access to Commission research. The new version of EDIS will facilitate submission of information to the Commission during formal investigations and enable the public to view case-related information more easily. The Commission recently also has added a new survey form to the Web site to solicit feedback from users of Commission research products.

In FY 2002 the Commission also completed preliminary research on the availability and reliability of multiple sources of information on foreign

NTB's. The goal in FY 2003 and FY 2004 will be to develop and make available to the public a Web-based database of such NTB's.

In the area of improved analytical methods, the Commission continued to enhance its economic modeling capabilities on a number of fronts. In particular, the Office of Economics has developed a new economy-wide model of the United States that will be used in many aspects of Commission research. Final testing of the new model will be completed in FY 2003. Also, development is complete on an economy-wide model of the Russian economy to assist in assessing the economic impacts of Russia's possible WTO accession. During FY 2003 and FY 2004, the Office of Economics will continue the expansion of economic modeling capabilities, including (1) a state and regional expansion of the new U.S. CGE model, (2) analysis to examine the economic effect of possible Russian accession to the WTO, and (3) development of analytical tools and techniques to respond to new legislative requirements (Trade Act of 2002).

The principal research offices in the Commission, Economics and Industries, have reviewed research-related components of the Commission Web site and initiated efforts to improve their content and accessibility. In particular, as a result of review, a new page is being developed that will specifically cover the Commission's Research Program, assisting users through the many aspects of that program. In addition, pages are being developed to facilitate public access to the staff and products of the Offices of Economics and Industries.

Operation 4: Trade Information Services

The Commission maintains an extensive repository of trade, tariff, and related data and expertise. Drawing on these resources, it provides trade information services relating to U.S. international trade and competitiveness to executive branch agencies and the Congress, other governmental organizations, and the public. Trade information services include such activities as production and maintenance of the Harmonized Tariff Schedule (HTS), the on-line, interactive Tariff and Trade DataWeb, library services for the Commission and the public, and preparation of legislative reports for Congress. Other trade information services requiring Commission resources include contributions to the development of the International Trade Data System (ITDS), maintenance of U.S. commitments under Schedule XX of the General Agreement on Tariffs and Trade/World Trade Organization (GATT/WTO), maintenance of the electronic version of the U.S. Schedule of Services Commitments under the General Agreement on Trade in Services (GATS), preparation of the electronic database that supports U.S. submissions to the WTO Integrated Database, trade remedy assistance for small businesses, and related information gathering, processing, and dissemination activities. The Director of the Office of Tariff Affairs and Trade Agreements currently serves as the chairman of the ITDS Board and is active in interagency efforts to streamline the preparation of data for international fora.

The Commission's Strategic Plan establishes the following general goal for this operation:

Provide effective technical expertise and advice on the implementation of trade policy and related administrative decisions; enhance the availability of high-quality international trade information to the Executive and Legislative Branches, as well as the broader trade community and the public; and increase the use of such information by customers.

Actual expenditures for Operation 4 amounted to \$4.4 million in FY 2002. The Commission estimates that it will obligate \$4.5 million in FY 2003. Performance results for Operation 4 are discussed in detail below.

FY 2002 Performance

The Commission established three general objectives and corresponding annual performance goals for this operation in the current Strategic Plan. In FY 2002, the Commission met its performance goals for this operation, as discussed below.

General Objective 1: Increase utility of ITC trade information services to customers

FY 2002 Performance Goals

- (a)(i) 5% increase in number of Trade DataWeb sessions.
- (a)(ii) 5% increase in number of Tariff Database sessions.

Performance Indicators¹

Level of use, as appropriate:

- (a)(i) Trade DataWeb
- (a)(ii) Tariff Database (OP)

¹ The offices shown in parentheses are the staff offices responsible for measurement.

In FY 1999, the Commission established baseline statistics for usage of various types of nomenclature expertise and trade information. Generally, FY 2000 usage levels were above those for FY 1999, FY 2001 levels were similar to or above those achieved in FY 2000, and FY 2002 levels generally exceeded those of FY 2001.

ITC Trade DataWeb

The Commission provided the DataWeb to the public as a pilot project midway through FY 1999. The DataWeb was opened to the general public as a permanent public service of the ITC on June 1, 2001. Usage by non-ITC users in FY 2001 increased by about 51 percent over the level achieved in FY 2000. In FY 2002, usage increased by 31 percent over FY 2001 levels. For FY 2002, non-government usage accounted for approximately 83 percent of the non-ITC data reports generated, up from 78 percent in FY 2001. See figures shown on the following page.

Reports generated by non-ITC users:

FY 1999⁸
108,500

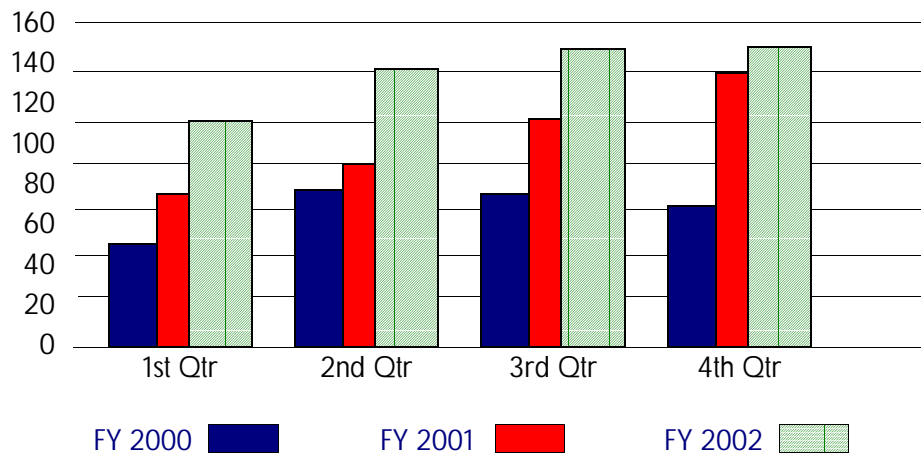
FY 2000
275,335

FY 2001
415,444

FY 2002
546,000

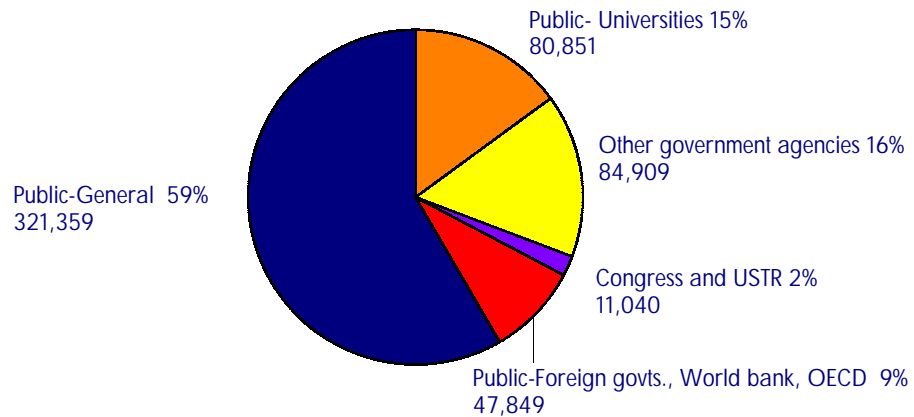
ITC DataWeb Performance

In thousands FY 1999-FY 2002 Reports to Non-ITC Users



ITC DataWeb Performance

FY 1999-FY 2002 Reports to Non-ITC Users



⁸ The ITC DataWeb was opened to the public on April 1, 1999; thus, only six months' of data are available through the end of FY 1999. A total of 52,897 reports were generated for the "general public"; 9,554 reports for university requesters, and 4,600 reports for foreign government or multilateral institution requesters.

ITC Tariff Database

The Commission provided the ITC Tariff database to the general public on a fully functional basis midway through FY 1999. As shown below, usage increased by roughly 35 percent in FY 2001 compared to FY 2000, and by 24 percent in FY 2002 compared to FY 2001.

Estimated tariff data queries by non-ITC users:

<u>FY 1999⁹</u>	<u>FY 2000</u>	<u>FY 2001¹⁰</u>	<u>FY 2002</u>
26,000	185,000	250,000	311,000

General Objective 2: Provide timely, effective, and responsive nomenclature and similar technical services to Congress and the Administration

FY 2002 Performance Goal

90% positive results from focus group discussions with Congress and the Administration

Performance Indicator¹

Results of focus group discussions (TATA/ER).

¹ The offices shown in parentheses are the staff offices responsible for measurement.

In FY 1999, ER developed a list of interagency committees, Congressional committees and international organizations where participation by Commission staff would be appropriate. ER also developed and continues to maintain a log to track such participation.

In FY 2000, the Commission began the practice of conducting formal focus group discussions with Congressional and USTR staff. Given periodic changes in Administration and Congressional leadership, as well as normal staff turnover, the focus group sessions were to be held at least annually. In FY 2000, Commission representatives from ER, TATA, and OP met with Congressional committees (Senate Committee on Finance and House Committee on Ways and Means) and with USTR on separate occasions. In general, the Commission received positive

⁹ The ITC Tariff Database was in fully functional public operation throughout the final 6 months of FY 1999.

¹⁰ The ITC Tariff Database usage estimates for FY 2001 are based on actual counts by a new computer program for August and September of FY 2001 of 21,230 lookups by non-ITC users per month. This underestimates the total somewhat as usage during the first few months of a tariff year is higher.

feedback from both these key customers concerning its contributions to tariff legislation and trade negotiation activities at the WTO. In particular, USTR was appreciative of the Commission's efforts in providing trade data and maintaining the U.S. schedule of tariff concessions (Schedule XX) in support of WTO activities.

Although it was not possible to schedule formal focus group discussions during FY 2001, Commission representatives from TATA did meet with staff from the House Committee on Ways and Means to coordinate the process for Commission preparation of miscellaneous bill reports.

In FY 2002, Commission representatives from TATA and ER held focus group meetings with Congressional committees and separately with USTR. In general, the Commission received positive feedback from both these key customers concerning its contributions to tariff legislation and trade negotiation activities at the WTO. During FY 2002, the Commission provided technical support to Congressional offices in preparing proposed bills; prepared comments on 689 miscellaneous tariff bills (which were submitted on a flow basis to the Congress, either in the form of Commission approved reports or in matrix spreadsheet form); and performed a thorough technical review of the omnibus packages for both the House and the Senate. In the focus group meeting, USTR indicated appreciation of the Commission's efforts in (i) providing trade data and maintaining the U.S. schedule of tariff concessions (Schedule XX) in support of WTO activities and (ii) preparation of draft annexes for Presidential Proclamations, particularly with regard to steel imports.

General Objective 3: Implement more effective ways, including electronic means, to gather and disseminate information

FY 2002 Performance Goals

- (a) Identify methodology for improving import data and tariff publication processes.
- (b) 2 semi-annual reviews and revisions completed.

Performance Indicators¹

- (a) More effective information management methods adopted (TATA).
- (b) Review of Web site and revision of content as appropriate (TATA).
- (c) Results of feedback from users of ITC's main Web site (IND)²

¹ The offices shown in parentheses are the staff offices responsible for measurement.

² This indicator was established for measuring performance starting in FY 2003.

This general objective was established in the current, FYs 2001 - 2006 Strategic Plan at the end of FY 2001. As a result, there is no formal FY 2001 performance goal associated with this objective. Nonetheless, the Commission has made progress over the past few years in providing various types of information to the public via its web site. During FY 2001 the HTSA Online by Chapter was made more accessible to the public and more timely. The site displays the full legal text of the tariff schedules and is updated within two days of Presidential or Congressional changes. Immediacy of access to the up-to-date HTSA Online benefits the Customs Service and the trade community in general. It is viewable, searchable, and downloadable. In addition, TATA established an electronic database that summarizes information provided in the Commission's reports on miscellaneous tariff bills in response to requests from Congressional staff. The database is revised periodically and provided to Congressional committee staff as significant updates occur. The Commission continued both efforts in FY 2002.

In addition, the Commission has established an electronic means for converting the text of the HTSA from a word processing format to a table format. This new tool facilitates the presentation of the tariff in database format and is of great benefit to the Commission and the Customs Service in updating files and building sophisticated web sites for interactive use of tariff information online by the trade and the general public.

Several reviews of the web sites were undertaken during FY 2002, as the HTSA was revised. These reviews resulted in six revisions to the TATA page, as well as to the DataWeb. Trade data on the DataWeb web site are updated monthly and further revisions are undertaken as the need arises.

Operation 5: Trade Policy Support

The Commission supports trade policymakers in the Executive Branch and in the Congress by providing technical expertise and objective information on international trade issues. It offers technical advice in the form of research, drafting legislation, conducting informal briefings and meetings, testifying at congressional hearings, and support to USTR in WTO litigation and other activities. The Commission maintains the capability to conduct “quick response” research and analyses for the Congress and the Executive Branch on trade issues in the form of staff-to-staff assistance. Commission staff also draft Presidential proclamations and other Presidential documents (e.g., Executive orders and Presidential memoranda), as well as final decisions by various Executive Branch agencies that modify the HTS to implement Congressional legislation or trade policy decisions by the Executive Branch. This activity also encompasses support for U.S. trade policy formulation and U.S. representation in international fora, and includes formal details of staff to other agencies.

The Commission’s Strategic Plan establishes the following general goal for this operation:

Contribute to the development of sound and informed U.S. international trade policy by providing effective technical support and analysis to the Executive Branch in international trade negotiations, international trade dispute resolution proceedings, and other international trade fora and to the Legislative Branch through appropriate committees and subcommittees.

Actual expenditures for Operation 5 amounted to \$3.4 million in FY 2002. The Commission estimates that it will obligate \$3.5 million in FY 2003. Performance results for FY 2002 are discussed in detail below.

FY 2002 Performance

The Commission established three general objectives and corresponding annual performance goals for this operation. FY 2002 performance goals concerned establishing and maintaining close and effective contacts with the Commission’s customers and finding more effective ways to provide trade policy support. In FY 2002, the Commission met all of the performance goals for this operation, as discussed below.

General Objective 1: Regularly contribute technical analysis to organizations involved in trade policy formulation where Commission participation is appropriate

FY 2002 Performance Goal

42 trade policy issue areas supported.

Performance Indicator¹

Number of trade policy issue areas supported by ITC analysis (ER)

¹ The office shown in parentheses is the staff offices responsible for measurement.

In FY 1999, ER developed a list of interagency committees, congressional committees, and international organizations where participation by Commission staff would be appropriate. ER also developed and continues to maintain a log to track such participation.

ER collects data on a quarterly basis from each staff office providing assistance to USTR or the Congress. The data are compiled into quarterly reports that are provided to the Commissioners and senior staff at the Commission and appropriate staff at USTR and on the Hill. The quarterly reports provide information on the type and focus of assistance, the recipient of the assistance, and the amount of time expended.

Over the past four fiscal years, these reports indicate an increasing level of participation by Commission staff in terms of the range and complexities of the issues addressed with a very sharp increase in FY 2002. The Commission provided technical advice and assistance to USTR, interagency committees, and international organizations in more than 60 different issue areas in FY 2002 (as compared to approximately 45 issue areas in FY 2001 and 40 in FY 2000). The bulk of participation (in terms of workdays) was focused on WTO dispute settlement and litigation issues, FTAA negotiations, Andean Trade Preference Act activities, three Free Trade Agreement negotiations, WTO/agriculture and services negotiations, WTO/domestic safeguards issues, and issues relating to the monitoring and enforcement of trade agreements.

Staff provided technical advice and assistance to Congressional committees in about 30 issue areas in FYs 1999 and 2000 and around 20 issue areas during FY 2001. The range of technical advice and assistance to congressional committees covered about 20 issue areas in FY 2002. Assistance included various regional issues, such as trade liberalization with Africa, China, and the Andean and Caribbean regions, as well as sectoral issues, such as steel, forest products, wheat, and textiles and

apparel. The largest concentration of assistance was in responding to congressional correspondence and inquiries, addressing requests for data and analysis pertaining to various legislation such as the Andean Trade Preference Act, and diverse sectoral issues. In addition, Members of Congress made 43 appearances at Commission hearings in connection with a variety of investigations.

General Objective 2: Obtain customer satisfaction as measured by feedback from USTR/Congress/other agencies and organizations and focus group discussions

FY 2002 Performance Goal

90 percent positive results.

Performance Indicator¹

Results of focus group discussions (ER).

¹ The office shown in parentheses is the staff office responsible for measurement.

In FY 2000, ER arranged for Commission senior staff members to engage in focus group sessions with senior staffers from both USTR and the Hill. These sessions were most productive and gave senior managers an opportunity to better understand the needs of the agency's customers and obtain their thoughts on future requests for assistance. The sessions also gave the Commission's customers a better picture of the implications of some of their requests on Commission resources and the need for close staff coordination to attain mutual goals.

Because of the press of business at the Commission, USTR, and on the Hill in the last quarter of FY 2001, ER was unable to coordinate the schedules of a sufficient number of senior-level participants to warrant focus group discussions. However, senior staff from ER, GC, ID, and EC had frequent meetings and telephone contacts with their counterparts at USTR and on the Hill throughout the year. These contacts allowed ITC managers to obtain direct feedback from customers on ongoing work as well as discuss new areas of possible inquiry.

In FY 2002, two focus group sessions were held with senior staff at USTR. Both sessions were well attended and provided very positive feedback on the Commission's efforts over the year. Senior staff were able to exchange views on the best techniques for rapidly responding to customers' needs and received useful insights on upcoming issues of importance to USTR's managers. A successful session was also

conducted with staff of the House Ways and Means Committee and the Senate Finance Committee. Once again the feedback was generally positive and the exchange of information beneficial to all participants. In addition to the focus group sessions, senior staff from ER, OP, GC, ID, and EC had frequent meetings and telephone contacts with their counterparts at USTR and on the Hill throughout the year. These contacts allowed ITC managers to obtain direct feedback from customers on ongoing work as well as discuss new areas of possible inquiry.

General Objective 3: Implement more effective ways, including electronic means, to provide trade policy support

FY 2002 Performance Goal

Appropriate revisions implemented based on results of annual review.

Performance Indicator¹

Results of review of mechanisms for providing support, including review of web site content (ER).

¹ The office shown in parentheses is the staff office responsible for measurement.

The FY 2002 and 2003 Performance Plans introduced this general objective for Operation 5. In FY 2001, efforts were made to provide technical assistance through electronic means, such as e-mail, electronic databases, or CD-ROMs. The Commission continued this practice in FY 2002.

APPENDIX A

Commission Organization

The following describes the organization of the Commission (see figure A below for the Commission's organizational structure). The six Commissioners are appointed by the President and confirmed by the Senate for terms of nine years, unless appointed to fill an unexpired term. A Commissioner who has served for more than five years is ineligible for reappointment. No more than three Commissioners may be members of the same political party. The Chairman and the Vice Chairman are designated by the President and serve for a statutory two-year term. The Chairman may not be of the same political party as the preceding Chairman, nor may two Commissioners of the same political party serve as the Chairman and the Vice Chairman. The FY 2002 approved staffing level for the Commissioner offices was 31 full time equivalents (FTEs).

Office of Operations

The Commission's core of investigative, industry, economic, nomenclature, and technical expertise is found within the Office of Operations. Under the supervision of the Director, staff in the component offices in Operations are largely responsible for all statutory investigations, studies, and special work projects assigned by the Commission. The FY 2002 approved staffing level for the Director's office was five FTEs. In FY 2003, as part of a realignment of its IT services, the Commission's main library, the National Library of International Trade, was shifted from the Office of Information Services to the Office of the Director of Operations.

Office of Economics

The Office of Economics provides expert economic analysis for various types of import injury investigations (Operation 1), and studies requested by Congress and the President under section 332 of the Tariff Act of 1930 and various other research products (Operation 3). In

addition, staff economists provide technical assistance to Congress, USTR, other executive branch agencies, and the public (Operation 5). The FY 2002 approved staffing level for this office was 43 FTEs.

Office of Investigations

The Office of Investigations conducts the Commission's CVD, AD, and review investigations under title VII of the Tariff Act of 1930; escape clause and market disruption investigations under the Trade Act of 1974; investigations under section 302 of the North American Free Trade Agreement Implementation Act of 1994; and investigations under section 22 of the Agricultural Adjustment Act. These activities fall under the Commission's Strategic Operation 1 (import injury investigations). The FY 2002 approved staffing level for this office was 28.5 FTEs. In the first quarter of FY 2003, the Statistical Services Division of the Office of Information Services was shifted to this office, bring the staffing level up to 36 FTEs.

Office of Industries

The Office of Industries maintains technical expertise related to the performance and global competitiveness of U.S. industries and the impact of international trade on those industries. International trade analysts in the office produce studies on a range of issues each year. Investigative activity includes various types of import injury investigations (Operation 1), studies requested by the President or specific Committees of the Congress under section 332 of the Tariff Act of 1930 (Operation 3), and other monitoring and research activity (Operations 3 and 4). In addition, analysts provide technical assistance to Congress, USTR, other executive branch agencies, and the public (Operation 5). The FY 2002 approved staffing level for this office was 113.2 FTEs.

Office of Tariff Affairs and Trade Agreements

The Office of Tariff Affairs and Trade Agreements (TATA) carries out the Commission's responsibilities with respect to the Harmonized Tariff Schedule of the United States (HTS) and the international Harmonized System (HS). TATA staff also work with the Office of Industries to

prepare bill reports requested by Congress pertaining to proposed tariff reductions and duty suspensions for specific products. The office provides technical advice and assistance to Congress and USTR and participates in interagency Trade Policy Staff Committee activities. The office participates in the World Customs Organization and TATA's Director chairs both the Committee for Statistical Annotation of the Tariff Schedule and the Board of Directors of the International Trade Data System (ITDS). The various activities of this office generally fall under Operations 4 and 5. The FY 2002 approved staffing level for this office was 14 FTEs.

Office of Unfair Import Investigations

The Office of Unfair Import Investigations (OUII) participates as a full party representing the public interest in adjudicatory investigations conducted under section 337 of the Tariff Act of 1930. These investigations most frequently involve allegations of patent or trademark infringement. Allegations of copyright infringement, misappropriation of trade secrets, passing off, false advertising, and antitrust violations also can be litigated in these investigations. In addition to the investigation of a complaint under section 337, the Commission may conduct an enforcement proceeding to determine whether the importation or sale of a specific product violates an existing Commission order. The Commission may also issue advisory opinions regarding whether certain anticipated conduct would violate an outstanding Commission order. The activities of this office correspond to the Commission's strategic Operation 2 (Intellectual property-based import investigations). The FY 2002 approved staffing level for this office was 13 FTEs.

Office of Information Services

The Office of Information Services (OIS) administers all Commission computer, telecommunications, and statistical and editorial services. OIS's library services staff manages the Commission's National Library of International Trade, a specialized technical library that serves as an information and research center. The activities of this office support all five strategic operations. The FY 2002 approved staffing level for this office was 34 FTEs. In the first quarter of FY 2003, the Commission realigned its IT functions under the CIO. As noted above, the Library (8 FTEs) was shifted to the Office of the Director of Operations and the

Statistical Services Division (9 FTEs) was moved to INV. The remainder of OIS reports directly to the Deputy CIO for Management.

Office of the General Counsel

The General Counsel serves as the Commission's chief legal advisor. The General Counsel and the staff attorneys in the office provide legal advice and support to the Commissioners and Commission staff on investigations and research studies, prepare briefs and represent the Commission in court and before dispute resolution panels and administrative tribunals, and provide assistance and advice on general administrative matters, including personnel, labor relations, and contract issues. The work of the office falls under all of the Commission's strategic operations. The FY 2002 approved staffing level for this office was 42 FTEs.

Office of External Relations

The Office of External Relations develops and maintains liaison between the Commission and its diverse external customers. The office is the focal point for contacts with USTR and other executive branch agencies, Congress, foreign governments, international organizations, the public, and the international, national, and local news media. It also coordinates meetings with international visitors. External Relations keeps Commissioners and senior Commission staff informed of developing issues that might affect the agency's mission and reputation, coordinates Presidential requests for advice and information on trade issues, and manages interactions between the Commission and the international trade community. The Commission's Trade Remedy Assistance Office (TRAO) is a component of External Relations that assists small businesses seeking benefits or relief under U.S. trade laws. The activities of this office support all of the Commission's strategic operations, especially 4 and 5. The FY 2002 approved staffing level for this office was 6 FTEs.

Office of the Secretary

The Office of the Secretary compiles and maintains the Commission's official records, including petitions, briefs, and other legal documents.

Under the direction of the Secretary, the office issues Commission notices, reports, and orders, and it schedules and participates in all Commission meetings and hearings. The office makes determinations on requests for confidential treatment of information, requests for information to be released under protective order, and requests under the Freedom of Information Act (FOIA). The activities of this office pertain to strategic operations 1 – 4. The FY 2002 approved staffing level for this office was 14 FTEs. This Office was moved to the Office of the CIO in FY 2003.

Office of the Administrative Law Judges

The Commission's Administrative Law Judges (ALJs) hold hearings, and make initial determinations in investigations under section 337 of the Tariff Act of 1930. These investigations require formal evidentiary hearings in accordance with the Administrative Procedure Act (5 U.S.C. §551 et seq.). After the Commission has instituted an investigation, the matter is referred to the Office of the Administrative Law Judges. Cases are assigned on a rotating bases to one of the Commission's three ALJs, who, after an extensive discovery process, holds a hearing. The judge considers the evidentiary record and the arguments of the parties and makes an initial determination, including findings of fact and conclusions of law. Temporary relief may be granted in certain cases. The activities of this office correspond to strategic Operation 2. The FY 2002 approved staffing level for this office was 13 FTEs.

Office of the Chief Information Officer

The FY 2002 approved staffing level for this office was 2 FTEs. During FY 2002, the Commission named the Director of Administration as the acting Chief Information Officer (CIO). In FY 2003, the Commission made this designation permanent. As noted above, the Commission realigned its information technology functions and consolidating IT services under the direction of the CIO. In the process of this realignment, the Commission placed the Office of the Secretary, the Office of Publishing, and portions of the Office of Information Services under the Office of the CIO.

Office of Administration

The Office of Administration oversees the preparation of the Commission's budget; manages its financial systems; is responsible for personnel matters, including collective bargaining with union representatives; directs procurement, publishing, and facilities management; and is responsible for agency security matters. Component offices include Finance, Facilities Management, Publishing, and Personnel. The activities of this office support all of the Commission's strategic operations. The FY 2002 approved staffing level for this office was 39.5 FTEs.

Office of Equal Employment Opportunity

The Office of Equal Employment Opportunity (EEO) administers the Commission affirmative action program. The Director advises the Chairman and Commission managers on all equal employment issues; evaluates the sufficiency of the agency's EEO program and recommends improvements or corrections, including remedial and disciplinary action; establishes and maintains a diversity outreach program; and monitors recruitment activities to assure fairness in agency hiring practices. The FY 2002 approved staffing level for this office was 1 FTE.

Office of Inspector General

The Inspector General conducts audits and investigations related to Commission programs and operations and recommends and comments on proposed legislation, regulations, and procedures that affect the agency's efficiency and effectiveness. The accomplishments of the Inspector General are detailed in semiannual reports submitted to Congress in May and November. The FY 2002 approved staffing level for this office was 4 FTEs.

Figure A

U.S. International Trade Commission

